

# **EXHIBIT 10**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 08-11564  
Hon. David M. Lawson

V.

FOUR HUNDRED SIXTY THREE THOUSAND  
FOUR HUNDRED NINETY SEVEN DOLLARS  
AND SEVENTY TWO CENTS (\$463,497.72)  
IN U.S. CURRENCY FROM BEST BANK  
ACCOUNT # XXX2677, NINETEEN  
THOUSAND NINE HUNDRED THIRTY  
SIX DOLLARS AND SEVENTY SEVEN  
CENTS (\$19,936.77) IN U.S. CURRENCY  
FROM BEST BANK ACCOUNT # XXX8558,  
ONE HUNDRED ONE THOUSAND FIVE  
HUNDRED EIGHTY THREE DOLLARS  
AND NINETY EIGHT CENTS (\$101,583.98)  
IN U.S. CURRENCY FROM COUNTRYWIDE  
BANK ACCOUNT # XXX5890, NINETEEN  
THOUSAND NINE HUNDRED EIGHTY SEVEN  
DOLLARS AND SEVEN CENTS (\$19,987.07)  
IN U.S. CURRENCY FROM COMERICA BANK  
ACCOUNT # XXX0766, BEST BUY BANK  
ACCOUNT # 259207438, ONE HUNDRED ONE  
THOUSAND SEVEN HUNDRED AND THREE  
DOLLARS AND TEN CENTS (\$101,703.10) IN  
U.S. CURRENCY FROM COUNTRYWIDE  
BANK ACCOUNT # XXX5890, NINETEEN  
THOUSAND NINE HUNDRED TWELVE  
DOLLARS AND SEVEN CENTS (\$19,912.07)  
IN U.S. CURRENCY FROM COMERICA BANK  
ACCOUNT # XXX0766, FIFTY ONE THOUSAND  
THREE HUNDRED SEVENTEEN DOLLARS AND  
SIX CENTS (\$51,317.06) IN U.S. DOLLARS FROM  
COUNTRYWIDE BANK ACCOUNT # XXX7528,  
and SAFESCRIP PHARMACY # 19, LLC.

Defendants.

and

**ORDER GRANTING IN PART  
AND DENYING IN PART  
CLAIMANT'S EMERGENCY  
MOTION TO COMPEL  
DISCOVERY, GRANTING  
CLAIMANT'S MOTION *IN  
LIMINE* TO EXCLUDE  
TESTIMONY OF JOSEPH  
RANNAZZISI, AND DENYING  
CLAIMANT'S MOTION *IN  
LIMINE* TO EXCLUDE  
TESTIMONY OF DAVID  
PLUMMER**

STACEY HOGAN GIANOPLOS, RONALD G.  
CARSON, and H.D. SMITH WHOLESALE DRUG  
COMPANY, INC.,

Claimants.

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**ORDER GRANTING IN PART AND DENYING IN PART CLAIMANT'S EMERGENCY  
MOTION TO COMPEL DISCOVERY, GRANTING CLAIMANT'S MOTION IN  
LIMINE TO EXCLUDE TESTIMONY OF JOSEPH RANNAZZISI, AND DENYING  
CLAIMANT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF DAVID  
PLUMMER**

The matter is before the Court on claimant H.D. Smith Wholesale Drug Company's emergency motion to compel discovery and motions *in limine* to exclude the testimony of David Plummer and Joseph Rannazzisi. The Court has reviewed the parties's submissions and heard oral argument on August 1, 2011. At the conclusion of oral argument, the Court announced its decision from the bench.

Accordingly, it is **ORDERED** that claimant H.D. Smith Wholesale Drug Company's emergency motion to compel discovery [dkt. #153] is **GRANTED IN PART AND DENIED IN PART** for the reasons stated on the record.

It is further **ORDERED** that the plaintiff may call Kyle Wright as a witness but may not use any document or e-mail created by Kyle Wright in its case-in-chief. H.D. Smith Wholesale Drug Company may introduce e-mails or documents created by Kyle Wright. Should Kyle Wright be called to testify, the parties are free to argue for the appropriate consequences resulting from Kyle Wright's destruction of potential evidence.

It is further **ORDERED** that claimant H.D. Smith Wholesale Drug Company's motion *in limine* to exclude the witness testimony of Joseph Rannazzisi [dkt. #151] is **GRANTED** for the reasons stated on the record.

